

Memo

To Civil Rules Committee

From Anne Ronan

Chair Subcommittee on Justice Court Rules

I have reviewed the Amended Rule Petition to Adopt Justice Court Rules of Civil Procedure. In response to the comments submitted to the initial Petition, the Committee on Civil Rules of Procedure for Limited Jurisdiction Courts met and adopted some of the suggested changes and rejected others. The following is a summary:

Readability and Simplification

One criticism was that the proposed rules had a different numbering system than the Civil Rules. The Committee did not change the numbering. It included in brackets to the Justice Court rule the corresponding Civil Rule and added language in Rule 101(d) to make it clear that the Justice Court rules are intended to be interpreted the same as the corresponding Civil Rule unless the new rules added a requirement or right that was not in the Civil Rule.

Another criticism was that so many of the Civil Rules were incorporated by reference that it required the person to know two sets of rules, making it more confusing. In response, the Committee moved all of the previously incorporated rules into the Justice Court rules, using simplified language. There were specific exceptions for certain rules on service and interpleader and intervention. The rules maintain the cross reference table from the initial proposal, as well as a table of explanations of “legal jargon” and additional appendices.

The Committee specifically rejected the idea that they “make the proposed rules comprehensible to the least educated”.

As to the redlined comments proposed by our subcommittee the Committee accepted about two-thirds of the recommendations.

Conflict with Proposed Rule 109 and Rule 11

The State Bar comment raised concern that the difference in language between Rule 109 and Civil Rule 11 set a different standard for pleadings filed in Justice Court than that applied to Superior Court filings. The Committee made some changes to Rule 109 and included Rule 101(d) to make it clear the same standards applied.

Special rules for collection cases involving assigned debts

The Committee rejected the State Bar's proposed changes which required heightened pleading requirements in these cases. Recently filed comments were submitted on this issue by two Justices from Pima County raising further issues with respect to assigned debts and other consumer litigation.